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Attorney for Defendant and Counterclaimant\
RICHARD BARNETT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ALLSTATE INSURANCE COMPANY, an
Illinois Corporation,

Plaintiff,

vs.

RICHARD BARNETT and MARIO
ALEXANDER,

Defendants.

Case No. C 10-00077 EMC

**STIPULATION FOR ENTRY OF
PARTIAL JUDGMENT AS TO PHASE
ONE OF TRIAL (COVERAGE)**

and

[~~PROPOSED~~] PARTIAL JUDGMENT

RELATED COUNTERCLAIM.

STIPULATION

The remaining parties to this action, by and through their respective counsel of record,
hereby stipulate and agree as follows pursuant to Federal Rule of Civil Procedure 54(b), and
respectfully request that the Court approve and give effect to their stipulation:

WHEREAS, the first phase of trial in this matter (scheduled for December 12, 2011) would determine whether plaintiff Allstate Insurance Company had a duty to defend or indemnify defendant Richard Barnett in the case captioned *Alexander v. Barnett*, Humboldt County (California) Superior Court, Case No. DR090825 (“the Underlying Action”); and

WHEREAS, the Court has deferred all other issues in this matter, including (1) whether Allstate is entitled to reimbursement of its defense costs pursuant to *Buss v. Superior Court*, 16 Cal. 4th 35 (1997), (2) whether Allstate is entitled to reimbursement of its settlement payment on Mr. Barnett’s behalf in the Underlying Action pursuant to *Blue Ridge Insurance Co. v. Jacobsen*, 25 Cal. 4th 489 (2001), and (3) Mr. Barnett’s remaining counterclaims for bad faith and related claims; and

WHEREAS, the parties wish to narrow the remaining disputed issues in this matter in the interests of judicial economy;

NOW, THEREFORE, THE PARTIES STIPULATE AND AGREE THAT partial judgment should be entered against Mr. Barnett as to the first phase of trial only, declaring that Allstate’s Deluxe Homeowners Policy number 0 27 541527 did not cover the costs of defending or indemnifying him in the Underlying Action. The parties further request that the Court vacate the upcoming trial and schedule a case management conference to address the further handling of this matter.

FILER’S ATTESTATION:

Pursuant to General Order No. 45, section X(B) regarding signatures, I attest under penalty of perjury that the concurrence in the filing of this document has been obtained from its signatories.

Dated: November 23, 2011

By /s/ Aslan Bananzadeh
Aslan Bananzadeh

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2 Dated: November 23, 2011

Respectfully submitted,
SNR DENTON US LLP

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4 By /s/ MICHAEL BARNES
MICHAEL BARNES

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6 Attorneys for Plaintiff and Counterdefendant
ALLSTATE INSURANCE COMPANY

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8 Dated: November 23, 2011

BRAGG, PERLMAN, RUSS, STUNICH & EADS
LLP

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10 By /s/ RANDY PERLMAN
RANDY PERLMAN

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12 Attorneys for Defendant and Counterclaimant
RICHARD BARNETT

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15 **PARTIAL JUDGMENT**

16 In view of the parties' foregoing stipulation, and good cause appearing therefor,
17 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT plaintiff Allstate
18 Insurance Company had no obligation under its Deluxe Homeowners Policy number 0 27
19 541527 to defend or indemnify Richard Barnett in the action styled *Alexander v. Barnett*,
20 Humboldt County (California) Superior Court, Case No. DR090825. All other issues, including
21 but not limited to the parties' entitlement to legal fees and costs, shall be determined by further
22 proceedings herein. A CMC is set for 12/16/11 at 10:30 a.m.

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24 Dated: 11/23/11

25 THE HONORABLE EDWARD
United States District Court

